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7

8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9 In the Matter of

10 **ANNETTE R. PALUMBO**

11 **Pharmacy Technician Trainee License**  
12 **Number T038900**

13 **And Pharmacy Technician License**  
14 **Number T008144**  
15

Board Case No. 14-0006-PHR

**CONSENT AGREEMENT FOR  
LICENSE WITH PROBATION**

16 **CONSENT AGREEMENT**

17 As Annette R. Palumbo ("Applicant") has made application to the Arizona State  
18 Board of Pharmacy (the "Board") for licensure as a pharmacy technician trainee and,  
19 consistent with the public interest, statutory requirements and the responsibilities of the  
20 Board under A.R.S. § 32-1901, *et. seq.*, the Board and Applicant enter into the following  
21 Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") for  
22 licensure with probation. 1. Applicant has read and understands this Consent  
23 Agreement and has had the opportunity to discuss this Consent Agreement with an  
24 attorney, or has waived the opportunity to discuss this Consent Agreement with an  
25 attorney.  
26

1           2. By entering into this Consent Agreement, Applicant knowingly and  
2 voluntarily relinquishes all right to an administrative hearing, as well as rights of  
3 rehearing, review, reconsideration, appeal, judicial review or any other administrative  
4 and/or judicial action, concerning the matters set forth herein.

5           3. Applicant affirmatively agrees that this Consent Agreement shall be  
6 irrevocable.

7           4. Applicant acknowledges and agrees that, upon signing this Consent  
8 Agreement and returning this document to the Board's Executive Director, she may not  
9 revoke her acceptance of the Consent Agreement or make any modifications to the  
10 document regardless of whether the Consent Agreement has been signed by the  
11 Executive Director. Any modification to this original document is ineffective and void  
12 unless mutually agreed by the parties in writing.

13           5. Applicant understands that the Consent Agreement shall not become  
14 effective unless and until approved by the Board and signed by the Board's Executive  
15 Director.

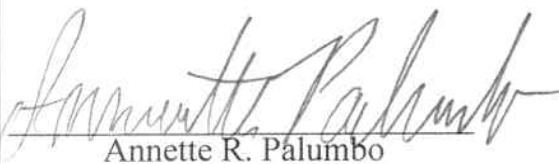
16           6. If a court of competent jurisdiction rules that any part of this Consent  
17 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
18 shall remain in full force and effect.

19           7. Applicant understands that this Consent Agreement is a public record that  
20 may be publicly disseminated as a formal action of the Board and may be reported as  
21 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
22 Protection Data Bank.

23           8. Applicant understands that any violation of this Consent Agreement  
24 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. § 32-  
25 1901.01(B) (20) and A.R.S. § 1927(A) (1).

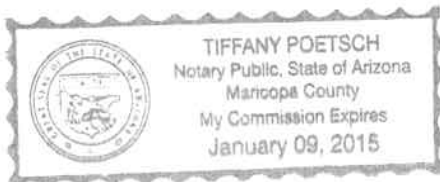
9. Applicant agrees that the Board will adopt the following Findings of Fact, Conclusions of Law and Order.

ACCEPTED AND AGREED BY Annette R. Palumbo

  
Annette R. Palumbo

Dated: 2.27.14

Subscribed and sworn to before me in the County of Maricopa, State of Arizona, this 27 day of February, 2014, by Annette R. Palumbo.



  
NOTARY PUBLIC

My Commission expires: January 09, 2015

### **FINDINGS OF FACT**

1. The Board is the duly constituted authority for licensing and regulating the practice of pharmacy in the State of Arizona.

2. Applicant has applied for licensure as a pharmacy technician trainee in the State of Arizona.

3. In December 2012 Applicant was convicted of shoplifting, a misdemeanor involving moral turpitude in Mesa City Court, Docket No. 2010102635.

4. In June 2012 Applicant was convicted of driving under the influence involving a metabolite in Mesa City Court, Docket No. 20103032740.

5. In October 2012 Applicant was convicted of three counts of possession of drug paraphernalia each a Class 6 undesignated felony in Maricopa County Superior Court Case Nos. CR2012-126240, CR2012-131689 and CR2012-140025.

1           5.     At the Board's January 8, 2014 Board Meeting, the Board voted to license  
2 Applicant subject to certain conditions.

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4                                   **CONCLUSIONS OF LAW**

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6           1.     The Board possesses jurisdiction over the subject matter and over Applicant  
7 pursuant to A.R.S. § 32-1901 *et seq.*

8           2.     The Board, having weighed all of the above factors and determined to its  
9 satisfaction that, despite Applicant's conduct in violation of A.R.S. § 32-1901.01 (C) (6)  
10 Applicant currently meets the requirements for licensure under A.R.S. § 32-1927.01,  
11 subject to the terms of this Consent Agreement.

12                                   **ORDER**

13  
14           Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY  
15 ORDERED AS FOLLOWS:

16           1.     After passing the required licensing examinations, paying all late fees and  
17 penalties associated with her expired Arizona pharmacy technician license and submitting  
18 proof of completing 20 hours of continuing professional education, Applicant will be  
19 issued a license to as a pharmacy technician trainee in the State of Arizona;

20           2.     Applicant's license will be immediately placed on PROBATION for a  
21 period of five (5) years from the effective date of the issuance of the pharmacy technician  
22 trainee license. During the term of PROBATION, Applicant shall complete the  
23 following terms and conditions:

24               a. Within thirty (30) days of the effective date of the renewal of the pharmacy  
25 technician trainee license Applicant shall enter a five (5) year agreement with the  
26

1 Pharmacists Assisting Pharmacists Program (PAPA) and comply with the terms  
2 and conditions of that agreement throughout her term of probation.

3 b. No sooner than five (5) years from the beginning of Applicant's  
4 probationary period, Applicant shall request in writing that the Board terminate  
5 her probation. Applicant's request for termination will be considered at a  
6 regularly scheduled Board meeting. Applicant is required to personally appear at  
7 that Board meeting. Applicant's probationary period will continue until  
8 Applicant's request for termination is received and the Board terminates the  
9 probation.

10 c. Applicant shall pay all necessary fees and complete all Continuing  
11 Education requirements throughout the term of her probation to maintain her  
12 Arizona pharmacy technician trainee license.

13 d. Applicant shall furnish all pharmacy employers with a copy of this  
14 Board Order throughout the term of her probation.

15 e. Applicant shall advise the Board immediately of any change in  
16 pharmacy employment status throughout the term of her probation.

17 f. Applicant shall furnish the Board with a list of all jurisdictions in  
18 which she maintains or has maintained licensure in the profession of pharmacy  
19 along with the registration numbers of said licenses.

20 h. Applicant shall obey all federal and state laws and rules governing  
21 the practice of pharmacy.

22 i. If Applicant violates this order in any way or fails to fulfill the  
23 requirements of this Order, the Board, after giving Applicant notice and the  
24 opportunity to be heard, may revoke, suspend or take other disciplinary actions  
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26

1 against the Applicant's license. The issue at such a hearing will be limited solely  
2 to whether this order has been violated.

3 DATED this 17 day of April, 2014.

4  
5 ARIZONA STATE BOARD OF PHARMACY

6  
7 (Seal)

8 By:



9 HAL WAND, R.Ph.  
Executive Director

10  
11 ORIGINAL OF THE FORGOING FILED  
12 this 17 day of April, 2014, with:

13 Arizona State Board of Pharmacy  
1616 W. Adams, Suite 120  
14 Phoenix, Arizona 85007

15 COPY OF THE FOREGOING MAILED  
16 this 17 day of April, 2014, to:

17 Annette R. Palumbo  
1526 S. Pico Circle  
18 Mesa, Arizona 85206  
Applicant

19 Montgomery Lee  
Assistant Attorney General  
20 1275 W. Washington Street, CIV/LES  
Phoenix, Arizona 85007  
21 Attorneys for the State of Arizona